



DONALD L. WOLFE, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

REFER TO FILE: **MP-5**

June 8, 2006

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION  
FUTURE STREET NORTH OF AVENUE E-8 AND  
EAST OF 110TH STREET WEST - ANTELOPE ACRES  
SUPERVISORIAL DISTRICT 5  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that the vacation of a future street, pursuant to the enclosed Resolution of Summary Vacation, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15304, 15305, and/or 15321 of Title 14 of the California Code of Regulations (State CEQA Guidelines).
2. Find that:
  - a. Pursuant to Section 8333 (a) of the California Streets and Highways Code, the offer of dedication of road right of way (future street) described in the enclosed Resolution of Summary Vacation (hereinafter referred to as the Easement) has not been used for the purpose for which it was dedicated or acquired for the immediately preceding five consecutive years.

- b. Pursuant to Section 8334 (a) of the California Streets and Highways Code, the Easement is excess and not required for street or highway purposes.
  - c. As required by Section 892 of the California Streets and Highways Code, the Easement is not useful as a nonmotorized transportation facility.
- 3. Terminate the offer of dedication of road right of way (future street) and abandon the County's right to rescind rejection of that offer pursuant to Section 66477.2 (c) of the California Government Code.
  - 4. Adopt the enclosed Resolution of Summary Vacation, future street north of Avenue E-8 and East of 110th Street West (conditional) to terminate and abandon the offer of dedication of road right of way north of Avenue E-8, described in Exhibit A and depicted in Exhibit B of the Resolution.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Oak Creek Energy Systems, Inc., on behalf of Mr. Curtis R. Cobb, the underlying fee owner, requested this vacation to extinguish public rights and County interest over the unused Easement within the applicant's properties. Mr. Cobb wants to install a wind turbine, which would entail the use of a portion of the future street. Mr. Cobb owns all the lots adjoining the vacation areas. Vacation of the Easement will not have any negative impact on any adjacent properties.

The Easement was dedicated to the County in 1969 and was never developed as part of a road right of way.

It is in the County's best interest to terminate and abandon the offer of dedication of road right of way since it no longer serves the purpose for which it was dedicated and it is not required for general public access, circulation, or as a nonmotorized transportation facility.

#### **Implementation of Strategic Plan Goals**

This action meets the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the Easement will result in added revenue through assessment and taxation and reduce the County's possible exposure to liability.

#### **FISCAL IMPACT/FINANCING**

Vacation of the Easement will not have any negative fiscal impact on the County's budget. The applicant has paid a \$2,443 fee to defray the expenses of the

investigation. The fee is authorized by your Board in a Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule) and as prescribed in Section 8321(d) of the California Streets and Highways Code.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The areas to be abandoned contain approximately 47,903 square feet, and the areas to be offered for the dedication of a cul-de-sac improvement contain approximately 1,486 square feet. They are both shown on the map attached to the Resolution.

The County is vested with the right to rescind the rejection of an offer to the public use of that certain future street shown on Tract No. 29855, filed in Book 789, pages 98, 99, and 100 of Maps in the office of the Registrar-Recorder/County Clerk.

The offer of dedication was never accepted by the County, no improvements were ever made to the right of way by the County, and these areas have never been used for County highway purposes.

Streets and Highways Code Section 8333 provides, "The legislative body of a local agency may summarily vacate a public service easement in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation."

Government Code Section 66477.2 (c) provides, "Offers of dedication which are covered by subdivision (a) [including streets] may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code."

The proposed vacation is conditioned upon the underlying fee owner executing an Irrevocable Offer to Dedicate and Grant of Easement for street and highway purposes for a future standard cul-de-sac bulb within Lot 39 of Tract No. 29855 (also known as A.P.N. 3264-021-018). This condition must be met to Public Works' satisfaction within one year of the date this Resolution is adopted by the Board of Supervisors or the abandonment of the Easement will terminate and become null and void.

Adoption of the enclosed Resolution will terminate the County's rights and interest in the Easement. Your action will also result in the property being unencumbered of the Easement, thereby allowing the underlying fee owner to exercise his reversionary rights over the vacated areas.

The Honorable Board of Supervisors  
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### **ENVIRONMENTAL DOCUMENTATION**

Based on the foregoing, this proposed abandonment is categorically exempt from CEQA as specified in Sections 15304, 15305, and/or 15321.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The County of Los Angeles Fire Department has found the proposed abandonment will not affect its ability to respond to fire and medical emergencies and no fire protection facilities will be affected by the vacation. The County of Los Angeles Regional Planning Commission has determined the proposed abandonment is not in conflict with the County-adopted General Plan and the vacation areas are not suitable for bicycle paths or trails.

### **CONCLUSION**

This action is in the County's best interest. Enclosed are two originals of the Resolution of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return one executed original and a copy to us for further processing. We will record the Resolution and return the executed original to you when recorded. In the interim, please retain one executed original for your files.

One adopted copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE  
Director of Public Works

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Enc.

cc: Chief Administrative Office  
County Counsel

**RESOLUTION OF SUMMARY VACATION  
FUTURE STREET NORTH OF AVENUE E-8 AND  
EAST OF 110TH STREET WEST  
(CONDITIONAL)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES  
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The County of Los Angeles is the holder of an offer of dedication for road purposes (hereinafter referred to as the Easement) in, over, and across the real property legally described in Exhibit A, and depicted on Exhibit B, both attached hereto. The Easement, north of Avenue E-8 and east of 110th Street West, is generally located in the vicinity of Antelope Acres in the County of Los Angeles State of California.
2. Mr. Curtis R. Cobb (hereinafter referred to as the Fee Owner) is the underlying Fee Owner of the Easement and adjoining Lots 39, 40, and 41 of Tract No. 29855, depicted on Exhibit B.
3. The Easement has not been used for the purpose for which it was dedicated or acquired for the immediately preceding five consecutive years.
4. The Easement is excess right of way not required for street or highway purposes.
5. There are no in-place public utility facilities that are in use and would be affected by the vacation of the Easement.
7. The Easement is not useful as a nonmotorized transportation facility as defined in Section 887 of the California Streets and Highways Code.
8. The offer of dedication of road right of way is hereby terminated and abandoned pursuant to Section 66477.2 (c) of the California Government Code and pursuant to Chapter 4, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8330, and subject to the condition provided for in paragraph 9, below.
9. The vacation of the Easement is conditioned upon the Fee Owner executing an Irrevocable Offer to Dedicate and Grant of Easement for street and highway purposes for a future standard cul-de-sac bulb within Lot 39 of Tract No. 29855 (also known as A.P.N. 3264-021-018). This condition must be met to the satisfaction of the Department of Public Works within one year of the date this Resolution is adopted by the Board of Supervisors or the abandonment of the Easement will terminate and become null and void.

10. Upon the satisfaction of the condition specified in paragraph 9, above, Public Works shall be authorized to record the certified original Resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, at which time the offer of dedication of road right of way (Future Street) will be terminated, and the County's rights to accept said offer of dedication will be abandoned.

The foregoing Resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.,  
County Counsel

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Deputy

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